detailed, has been given, cause the value of the land apart from such improvements to be assessed.

On verdict for plaintiff, cases wherein *hab. fac. poss.* shall not issue.

5. If a verdict be found for the plaintiff, no writ of possession shall issue unless,

(1.) It appears at the trial that a notice containing the statements in the second clause detailed has been given, and that the amount claimed by the plaintiff was no greater than the assessed value of the land, or,

(2.) The plaintiff before the fourth day of the ensuing term pays or tenders the assessed damages to the defendant, or,

(3.) The plaintiff offers to release the land to the defendant, on payment of the assessed value of the land and the defendant does not before the fourth day of the said term pay or tender such value to the plaintiff.

When plaintiff liable for costs of enquiry as to damages.

6. In case it appears at the trial that the amount of damages assessed to the defendant is as great as, or greater than the amount claimed by the defendant, and that the action has been prosecuted by reason of a difference as to the amount claimable by the defendant, the plaintiff shall be liable to pay the costs of the enquiry as to damages.

When plaintiff liable for costs of enquiry as to value.

7. In case it appears at the trial that the assessed value of the land is less than the amount claimed by the plaintiff, and that the action has been prosecuted by reason of a difference as to the amount claimable by the plaintiff, the plaintiff shall be liable to pay the costs of the enquiry as to the value.

Act not applicable to actions brought before 1st of January 1873.

8. This Act shall not apply to any action of ejectment brought before the first day of January, in the year of our Lord one thousand eight hundred and seventy-three, but it shall apply to all actions of ejectment brought after the said day.

No. 2.

1st Session, 2nd Parliament, 35 Victoria, 1871

BILL.

An Act for the protection of persons improving Lands under a Mistake of Title.

First Reading 19th Dec. 1871.

Mr. Blake.

TORONTO:
Printed by Hunter, Rose & Co., King St.

No. 8.] **BILL.** [1871.

An Act to declare the true construction of the Act passed in the thirteenth year of the reign of Queen Elizabeth, and chaptered five, and intituled "An Act against fraudulent deeds, alienations, &c."

Preamble.

WHEREAS by the first and second clauses of the Act passed in the thirteenth year of the reign of Her Majesty Queen Elizabeth, it is enacted as follows:—

Recital of ss. 1 and 2 of 13 Eliz. ch. 5. that Conveyances, Judgments, &c., to hinder or defraud creditors be void.

"For the avoiding and abolishing of feigned, covinous and "fraudulent feoffments, gifts, grants, alienations, conveyances, "bonds, suits, judgments and executions more commonly used "and practised in these days than hath been seen or heard of "heretofore, which feoffments, gifts, grants, alienations, con- "veyances, bonds, suits, judgments and executions have been "and are devised or contrived of malice, fraud, covin, collusion "or guile to the end, purpose and intent, to delay, hinder and "defraud creditors and others of their just and lawful actions, "suits, debts, accounts, damages, penalties, forfeitures, heriots, "mortuaries, and reliefs not only to the let or hindrance of the "due course and execution of law and justice, but also to the "overthrow of all true and plain dealing, bargain and chevi- "sance between man and man, without the which no common- "wealth or civil society can be maintained or continued: All "and every feoffment, gift, grant, alienation, bargain and con- "veyance of lands, tenements, hereditaments, goods and chat- "tels, or of any of them, or of any lease, rent, common or "other profit or charge out of the same lands, tenements, her- "editaments, goods and chattels, or any of them by writing or "otherwise, and all and every bond, writ, judgment and execu- "tion at any time had or made since the beginning of the "Queen's Majesty's reign, that now is or at any time hereafter "to be had, or made to or for any intent or purpose before de- "clared or expressed, shall be from thenceforth deemed and "taken only as against that person or persons, his or their heirs, "successors, executors, administrators and assigns, and every "of them whose actions, suits, debts, accounts, damages, pen- "alties, forfeitures, heriots, mortuaries, and reliefs by such "guileful, covinous or fraudulent devices and practices as is "aforesaid, are or shall or might be in any ways disturbed, "hindered, delayed or defrauded to be clearly and utterly void, "frustate and of none effect; any pretence, colour, feigned "consideration, expressing of use or any other matter or thing "to the contrary notwithstanding."

And whereas it is also by the sixth clause of the said Act provided and enacted as follows:

Recital of s. 6, 13 Eliz. ch. 5 that that Act should ot extend to any interest onveyed for good consideration, *bona fide*, without notice of fraud.

"This Act or any thing herein contained shall not extend to "any estate or interest in lands, tenements, hereditaments, "leases, rents, commons, profits, goods or chattels had, made, "conveyed, or assured, or hereafter to be had, made, conveyed, "or assured, which estate or interest is, or shall be upon good "consideration and *bona fide* lawfully conveyed or assured to "any person or persons, or bodies politic or corporate not hav- "ing at the time of such conveyance or assurance to them made "any manner of notice or knowledge of such covin, fraud or "collusion as is aforesaid, anything before mentioned to the con- "trary thereof notwithstanding."

And whereas there are doubts as to the true construction of the said Act, and it is expedient to declare the true construction of the same; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Valuable consideration and intent to pass the interest shall not alone prevent the application of ss. 1, 2, unless on acquisition *bona fide*, without notice of fraud.

1. The first and second clauses of the said Act apply to all instruments executed to the end, purpose and intent in the said clauses set forth, notwithstanding that the same may be executed upon a valuable consideration and with the intention as between the parties to the same, of actually transferring to and for the benefit of the transferee the interest expressed to be thereby transferred, unless the same be protected under the sixth clause of the said Act by reason of *bona fides* and want of notice or knowledge on the part of the purchaser.

No. 3.

1st Session 2nd Parliament, 35 Victoria, 1871.

BILL.

An Act to declare the true construction of the Act passed in the 13th year of the Reign of Queen Elizabeth and chaptered five, and intituled "An Act against fraudulent deeds, alienations, &c."

First Reading, 19th December, 1871.

MR. BLAKE.

TORONTO:
PRINTED BY HUNTER, ROSE & CO., KING ST.

Elizabeth, and chaptered five, and intituled "An Act against fraudulent deeds, alienations, &c."

WHEREAS by the first and second clauses of the Act passed in the thirteenth year of the reign of Her Majesty Queen Elizabeth, it is enacted as follows:— Preamble.

"For the avoiding and abolishing of feigned, covinous and "fraudulent feoffments, gifts, grants, alienations, conveyances, "bonds, suits, judgments and executions more commonly used "and practised in these days than hath been seen or heard of "heretofore, which feoffments, gifts, grants, alienations, con- "veyances, bonds, suits, judgments and executions have been "and are devised or contrived of malice, fraud, covin, collusion "or guile to the end, purpose and intent, to delay, hinder and "defraud creditors and others of their just and lawful actions, "suits, debts, accounts, damages, penalties, forfeitures, heriots, "mortuaries, and reliefs, not only to the let or hindrance of the "due course and execution of law and justice, but also to the "overthrow of all true and plain dealing, bargain and chevi- "sance between man and man, without the which no common- "wealth or civil society can be maintained or continued; All "and every feoffment, gift, grant, alienation, bargain and con- "veyance of lands, tenements, hereditaments, goods and chat- "tels, or of any of them, or of any lease, rent, common or "other profit or charge out of the same lands, tenements, her- "editaments, goods and chattels, or any of them by writing or "otherwise, and all and every bond, writ, judgment and execu- "tion, at any time had or made since the beginning of the "Queen's Majesty's reign, that now is or at any time hereafter "to be had, or made to or for any intent or purpose before de- "clared or expressed, shall be from thenceforth deemed and "taken only as against that person or persons, his or their heirs, "successors, executors, administrators and assigns, and every "of them whose actions, suits, debts, accounts, damages, pen- "alties, forfeitures, heriots, mortuaries, and reliefs by such "guileful, covinous or fraudulent devices and practices as is "aforesaid, are or shall or might be in any ways disturbed, "hindered, delayed or defrauded, to be clearly and utterly void, "frustate and of none effect; any pretence, colour, feigned "consideration, expressing of use or any other matter or thing "to the contrary notwithstanding." Recital of st. 1 and 2 of 13 Eliz. ch. 5. that Conveyances, Judgments, &c., to hinder or defraud creditors be void.

And whereas it is also by the sixth clause of the said Act provided and enacted as follows:

Recital of s. 6, 13 Eliz. ch. 5 that that Act should not extend to any interest conveyed for good consideration, *bona fide*, without notice of fraud.

"This Act or any thing herein contained shall not extend to "any estate or interest in lands, tenements, hereditaments, "leases, rents, commons, profits, goods or chattels had, made, "conveyed, or assured, or hereafter to be had, made, conveyed, "or assured, which estate or interest is, or shall be upon good "consideration and *bona fide* lawfully conveyed or assured to "any person or persons, or bodies politic or corporate not hav-"ing at the time of such conveyance or assurance to them made "any manner of notice or knowledge of such covin, fraud or "collusion as is aforesaid, anything before mentioned to the con-
of the same, [illegible]"

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Valuable consideration and intent to pass the interest shall not alone prevent the application of ss. 1, 2, unless on acquisition *bona fide*, without notice of fraud.

1. The first and second clauses of the said Act apply to all instruments executed to the end, purpose and intent in the said clauses set forth, notwithstanding that the same may be executed upon a valuable consideration and with the intention as between the parties to the same, of actually transferring to and for the benefit of the transferee the interest expressed to be thereby transferred, unless the same be protected under the sixth clause of the said Act by reason of *bona fides* and want of notice or knowledge on the part of the purchaser.

Existing instruments not affected.

2. This Act shall not apply to any instrument executed before the date of the passing of this Act.

1st Session, 2nd Parliament, 35 Victoria, 1872

An Act to declare the true construction of the Act passed in the thirteenth year of the reign of Queen Elizabeth, and chaptered five, and intituled "An Act against fraudulent deeds, alienations, &c."

First Reading, 19th December, 1871.
Second " 23rd January, 1872.
Third " 6th February, 1872.

Hon. Mr. Blake.

TORONTO:
Printed by Hunter, Rose & Co.

No. 4. [1872.

BILL.

An Act to empower certain persons to appear as Agents and act as Advocates in the Division Courts in the Province of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Certain persons empowered to act as agents or advocates in Division Courts.

1. In addition to all barristers of the bar of Ontario, and all attorneys of any of Her Majesty's Courts of Common Law, or solicitors of the Court of Chancery, in the Province of Ontario, all persons who have been or shall become duly admitted and entered on the books of the Law Society of Upper Canada, as students at law, and all persons bound by contract in writing to any practising attorney or solicitor of any of the said courts, to serve him as his clerk in the practice or profession of the law, and commonly called "Articled Clerks," may appear at the trial or hearing of any cause, matter or proceeding as the agent of, and act as advocate for, any party or parties to any such cause, matter or proceeding in the Division Courts in the Province of Ontario; and the Judge or other person lawfully holding such Division Court, may in his discretion, allow to such agent or advocate, a fee not exceeding ten dollars, and such fee may be taxed against such party to the said cause, matter or proceeding as such Judge or other person lawfully holding such Division Court shall order, and shall be collected in like manner as other costs of the cause.

Fees.

Division Court Judge may permit any one to act as agent or advocate in certain cases.

2. The Judge or other person lawfully holding any Division Court in the Province of Ontario, other than the Division Courts in cities and in country towns, may in his discretion, permit any person to appear at the trial or hearing of any cause, matter or proceeding in the said Court, as the agent of, and act as advocate for, any party or parties to any such cause, matter or proceeding.

An Act to incorporate the International Silver Mining Company of Canada.

First Reading, 25th January, 1872.

Second " 8th February, 1872.

Third " 15th " 1872.

Mr. WILSON.

TORONTO:
PRINTED BY HUNTER, ROSE & CO.

No. 44.] BILL. [1872.

An Act amending the "Act to incorporate the Port Whitby and Port Perry Railway Company."

Preamble.

WHEREAS the Port Whitby and Port Perry Railway Company have prayed for certain amendments of their charter, and for an extension of the powers conferred upon themthereby; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to Company to extend their line.

1. The said Port Whitby and Port Perry Railway Company and their servants shall have full power and authority to construct a branch of their said Railway from Port Perry to navigable water in the town of Lindsay, and thence to Fenelon Falls, by such course as to the directors of the said company may seem expedient.

Time limited for commencement and completion of Railway extended.

2. The times limited for the commencement and completion of the Railway to the waters of Lake Simcoe, and of the branch into Uxbridge, under the second and fourth sections of the Act passed in the thirty-second year of Her Majesty's reign, chaptered sixty, are hereby extended for the period of two years from the times mentioned in said Act for such commencement and completion.

Certain provisions in previous Acts and Railway Act to apply.

3. All the clauses and provisions contained in the Act incorporating the said Port Whitby and Port Perry Railway Company, except where repealed and amended by subsequent Acts relating thereto, and the several powers and authorities conferred upon such company by such Act, and all said subsequent Acts, and the several clauses of the general Railway Act mentioned and referred to in the said Acts, shall apply to the extended powers conferred hereby; and the branch hereby authorized shall be commenced within two years and completed within five years after the passing of this Act, or the charter for the said branch to Lindsay shall be forfeited.

When branch to be completed.

Municipal debentures not invalidated by change of Railway gauge.

4. That the grant of bonus debentures by the municipalities of the townships of Whitby, Reach and Scugog, in aid of the said Railway, shall not in any respect be invalidated by reason of the said company having laid down their Railway on a gauge of four feet eight and one-half inches, instead of five feet six inches, as was originally contemplated; but the said debentures which have not already been delivered, shall be handed over by the said respective municipalities when the terms of the by-laws or agreements between the said municipalities and the said company respecting them, have been complied with, the same in every respect as though the gauge of the said Railway had not been altered.

Church of Scotland in Port Hope," and their successors in office and assigns forever, upon trust, to hold the same for the benefit of the said congregation.

Trustees empowered to sell and convey.

2. The said trustees and their successors in office are hereby authorized and empowered to sell and convey the whole or any part of the said lands and premises at such times and prices, and on such terms, and by private sale or public auction, as they may think best; and to give time for the payment of the purchase money thereof; and to take mortgages to secure the unpaid purchase moneys, or any part thereof.

Purchaser not answerable for application of purchase money.

3. No purchaser of the said lands and premises, or of any part thereof, shall be bound to see to the application, or be answerable for the non-application or misapplication of the purchase money paid by him, or any part thereof.

Application of proceeds of sales.

4. The said trustees and their successors in office shall apply the proceeds of the sale of the said lands and premises, or of such part or parts thereof as may be sold, after deducting all necessary expenses connected with the sale and conveyance thereof, towards payment of any debt existing upon the lands and building of the said Mill Street Presbyterian Church, and so far as the said proceeds shall not be required for that purpose, the said trustees and their successors in office shall apply the same to the purposes of the said congregation.

No. 49.

1st Session, 2nd Parliament, 35 Victoria, 1872

BILL.

An Act to enable the Trustees of the Congregation of the Presbyterian Church of Canada in connection with the Church of Scotland, in Port Hope, to sell and convey certain lands.

PRIVATE BILL.

First Reading 25th Jan., 1872.

Mr. Williams (Durham.)

TORONTO:

Printed by Hunter, Rose & Company

No. 49.] BILL [1872.

An Act to enable the Trustees of the Congregation of the Presbyterian Church of Canada in connection with the Church of Scotland, in Port Hope, to sell and convey certain lands.

Preamble.

WHEREAS the minister, elders, trustees and members of the congregation of the Presbyterian Church of Canada in connection with the Church of Scotland, in Port Hope, have by their petition represented that the lands and premises hereinafter mentioned were conveyed to and are now held by the trustees of the said congregation in fee simple, and that by reason of the union of the congregation of the said church, heretofore forming the congregation of Saint Andrew's Church in Port Hope aforesaid, with the congregation of the Mill Street Presbyterian Church in Port Hope aforesaid, the church premises called and known as Saint Andrew's Church are not any longer used or required by the said congregation, and that it is desirable to sell the said lands and premises, and apply the proceeds thereof towards payment of the debt on the building and lands of the said Mill Street Presbyterian Church:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Certain lands in Port Hope to be held by Trustees.

1. All and singular those certain parcels or tracts of land and premises situate, lying and being in the town of Port Hope, in the county of Durham, in the Province of Ontario, containing by admeasurement six thousand four hundred square feet, be the same more or less, being composed of parts of lots numbers two hundred and ninety-nine and three hundred, as laid down on a plan of the said town made by the late John K. Roche, deputy provincial surveyor, for the executors of the late John David Smith, and deposited in the registry office of the said county of Durham, and more particularly described as follows: Commencing on the west side of Brown Street, north of North Street, and at the distance of fifty feet from North Street; then westerly parallel with North Street one hundred feet, more or less, to the western limit of the said lot number three hundred; then northerly along the said western limit sixty-four feet; then easterly parallel with North Street one hundred feet, more or less, to Brown Street; then southerly along the west side of Brown Street sixty-four feet to the place of beginning, together with all their rights, members and appurtenances, are hereby vested in John Leys, of Port Hope aforesaid, shoemaker, James O'Brien, of Port Hope aforesaid, carriage maker, Nathaniel Gillespie, of Port Hope aforesaid, painter, and John Grimmisson, of the township of Hope, in the said county of Durham, waggon maker, being "The Trustees of the Congregation of the Presbyterian Church of Canada in connection with the

Church of Scotland in Port Hope," and their successors in office and assigns forever, upon trust, to hold the same for the benefit of the said congregation as hereinafter mentioned.

Trustees empowered to sell and convey.

2. The said trustees and their successors in office are hereby authorized and empowered to sell and convey the whole or any part of the said lands and premises at such times and prices, and on such terms, and by private sale or public auction, as they may think best; and to give time for the payment of the purchase money thereof; and to take mortgages to secure the unpaid purchase moneys, or any part thereof.

Purchaser not answerable for application of purchase money.

3. No purchaser of the said lands and premises, or of any part thereof, shall be bound to see to the application, or be answerable for the non-application or misapplication of the purchase money paid by him, or any part thereof.

Application of proceeds of sales.

4. The said trustees and their successors in office shall apply the proceeds of the sale of the said lands and premises, or of such part or parts thereof as may be sold, after deducting all necessary expenses connected with the sale and conveyance thereof, towards payment of any debt existing upon the lands and building of the said Mill Street Presbyterian Church, and so far as the said proceeds shall not be required for that purpose, the said trustees and their successors in office shall apply the same to the purposes of the said congregation.

No. 49.

1st Session, 2nd Parliament, 35th Victoria, 1872.

An Act to enable the Trustees of the Congregation of the Presbyterian Church of Canada in connection with the Church of Scotland in Port Hope, to sell and convey certain lands.

First Reading, 25th January, 1872.

Second " 8th February, 1872.

Third " 12th " 1872.

Mr. Williams (Durham.)

TORONTO:

Printed by Hunter, Rose & Co., King St.

No. 50.] BILL. [1872.

An Act to amend the "Law Reform Act of 1868."

HER Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows: Law Reform Act, 32 V. c. 6, s. 18, sub-s. 1.

1. Immediately after the word "jury" in the last line but one of sub-section one of section eighteen of the Law Reform Act of 1868, there shall be inserted the following words, that is to say: "And in any action of ejectment the claimant or defendant may require the issue to be tried, and the damages, if any, to be assessed by a jury, and in that event the defendant shall file with his appearance, and the claimant shall annex to his issue book and on the day of service of the same file in the office from which the writ of summons issued, a notice in the words following: The claimant or the defendant (as the case may be) requires that the issue in this cause be tried, and the damages, if any) be assessed by a jury." Actions of ejectment may be tried by a jury. Notice.

2. And the said sub-section shall be construed as if the said words had originally formed a part of the same. Construction of s. 18, sub-s. 1.

No. 57.

2nd Parliament, 1st Session, 35 Victoria, 1872.

An Act to incorporate the Toronto Oil Works Association.

First Reading,	26th	January,	1872.
Second "	14th	February,	1872.
Third "	19th	"	1872.

Mr. PRINCE.

TORONTO:
PRINTED BY HUNTER, ROSE & CO.

No. 58.] BILL. [1872.

An Act to amend the charter of "The Ontario Carbon Oil Company, Hamilton, Ontario."

Preamble.

WHEREAS "The Ontario Carbon Oil Company, Hamilton, Ontario," have by petition represented that they were duly incorporated under the provisions of the Act of the late Province of Canada passed in the sessions of the Parliament of said Province, held in the twenty-seventh and twenty-eighth years of Her Majesty's reign intituled "An Act to authorize the granting of charters of incorporation to manufacturing, mining and other companies" for the purpose of carrying on the business of purchasing crude or distilled petroleum oil from the various refiners, producers or dealers in this Province, and so refining it or distilling and refining it that it should be fit for general sale for illuminating or lubricating purposes and for manufacturing all cans, barrels and packages connected with or necessary for such business with a capital stock of fifty thousand dollars; And whereas they have further represented that they are desirous in addition to the powers so conferred upon them of extending their business operations by searching for, working, extracting, or otherwise obtaining in Canada petroleum oil, and for that purpose to increase their capital stock; And it is expedient to grant the prayer of such petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

Powers of Company.

1. The company so incorporated shall and may in addition to the powers conferred upon them by the said in part recited charter carry on the business of exploring for, searching, working, extracting, manufacturing and converting in Ontario, petroleum, or other oils, and for these purposes to acquire and hold by purchase, lease, license or otherwise, lands in the said Province not exceeding two thousand acres, and may carry on and engage in the sinking of wells and the purchasing, erecting and constructing of works, machinery and plant and other things necessary for the above purposes, and may make and enter into contracts, agreements, engagements or dealings with any company or person for the sale, lease, license or working or otherwise disposing of the whole or any part of such lands, and the produce derived therefrom, and may execute and carry into effect all such contracts, engagements and dealings and generally to do all such acts, matters or things as are directly or indirectly incidental to the said business or conducive to the attainment of the above objects or any of them.

Capital stock.

2. The capital stock shall be increased to the sum of five hundred thousand dollars in shares of five hundred dollars each and may from time to time, or at any future time be increased